

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 JOANNE L. DIAMOND
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
(702) 388-6577
Joanne_Diamond@fd.org

8 Attorney for Salvador Ramirez

9
10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF NEVADA**

13
14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 SALVADOR RAMIREZ,

18 Defendant.

19 Case No. 2:21-cr-00252-GMN-EJY

20
21 **STIPULATION TO AMEND**
22 **JUDGMENT DUE TO CLERICAL**
23 **ERROR**

24
25 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
26 Frierson, United States Attorney, and Kimberly A. Sokolich, Assistant United
States Attorney, counsel for the United States of America, and Rene L. Valladares,
Federal Public Defender, and Joanne L. Diamond, Assistant Federal Public
Defender, counsel for Salvador Ramirez, that the Judgment in this case entered
September 21, 2022 (ECF No. 32) be amended under Federal Rule of Criminal
Procedure 36.

27
28 The Stipulation is entered into for the following reasons:

29
30 1. Pursuant to a plea agreement, Mr. Ramirez pled guilty to one count
31 of Engaging in the Business of Dealing in Firearms Without a License. ECF No.

1 26. The parties jointly recommended that the Court grant a two-level downward
2 departure or variance from his offense level and that, if the resulting advisory
3 guideline range fell within Zone C of the sentencing table, he be permitted to serve
4 half his custodial sentence on home confinement. ECF No. 27 at 8-9.

5 2. This Court followed the parties' recommendation and, on September
6 21, 2022, sentenced Mr. Ramirez to "TWELVE (12) MONTHS custody with SIX (6)
7 MONTHS satisfied by home confinement," followed by two years of supervised
8 release. ECF No. 32 at 2, 3. Mr. Ramirez self-surrendered on December 27, 2022,
9 as ordered by the Court. ECF No. 31.

10 3. Defense counsel recently learned from BOP counsel, Clay Cook, that,
11 because of the way the Judgment is worded, BOP will incarcerate Mr. Ramirez for
12 12-months, not 6 months as intended. Specifically, Mr. Cook explained:

13 the court ordered a 12-month sentence with 6 months
14 satisfied by home confinement. As the BOP is the only
15 entity authorized to order home confinement as part of
16 a term of imprisonment (18 USC 3624) and because
inmates are committed to the BOP until the expiration
of their term of imprisonment (18 USC 3621), the J&C
was interpreted as a 12-month sentence of incarceration.

17
18 4. Mr. Cook advised the appropriate remedy is to amend the judgment
19 to a 6-month term of imprisonment, since home confinement is already a special
20 condition of Mr. Ramirez's supervised release. *See* ECF No. 32 at 5, Special
21 Condition 3 ("Home Confinement with Location Monitoring – You will be
22 monitored by the form of location monitoring technology indicated below for a
23 period of 6 months").

24 5. Under Fed. R. Crim. P. 36, this Court "may at any time correct a
25 clerical error in a judgment, order, or other part of the record, or correct an error
26

1 in the record arising from oversight or omission.” The parties respectfully submit
2 that correcting the Judgment pursuant to Rule 36 is the appropriate remedy here.

3 6. The parties therefore move the Court to amend page two of the
4 Judgment to reflect a sentence of six months in custody, and to amend page three
5 of the Judgment to reflect a supervised release term of 30 months with the first six
6 months spent on home confinement.

7 DATED: April 11, 2023.

8 RENE L. VALLADARES
9 Federal Public Defender

10 */s/ Joanne L. Diamond*
11 By _____
12 JOANNE L. DIAMOND
13 Assistant Federal Public Defender

14 JASON M. FRIERSON
15 Acting United States Attorney

16 */s/ Kimberly A. Sokolich*
17 By _____
18 KIMBERLY A. SOKOLICH
19 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
SALVADOR RAMIREZ,
Defendant.

Case No. 2:21-cr-00252-GMN-EJY

ORDER

SALVADOR RAMIREZ,
Defendant.

IT IS THEREFORE ORDERED that page two of the Judgment (ECF No. 32) be amended to reflect a sentence of “SIX (6) MONTHS custody.”

IT IS FURTHER ORDERED that page three of the Judgment be amended to reflect a term of "THIRTY (30) MONTHS" of supervised release.

DATED this 12 day of April, 2023.

UNITED STATES DISTRICT JUDGE